

Notice of Allowability

Application No.

09/938,551

Examiner

Erica E Cadugan

Applicant(s)

KOBAYASHI, HIROSHI

Art Unit

3722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE filed 2/23/05 and interview of 3/31/05.
2. ☒ The allowed claim(s) is/are 1-3.
3. ☒ The drawings filed on 27 August 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with William Schertler on March 31, 2005.

3. The application has been amended as follows:

Claim 1 (Currently Amended). A punch press comprising:

a press frame including an upper transferring and loading path and a lower transferring and loading path, wherein an upper cartridge capable of loading a punch tool and a lower cartridge capable of loading a die tool corresponding to the punch tool are freely movable in and out of the press frame via the upper and lower transferring and loading paths;

a ram for driving the punch tool loaded on the upper cartridge employed in the press frame; and

a cartridge transferring and loading means comprising an upper cartridge transferring and loading means and a lower cartridge transferring and loading means for transferring the upper and lower cartridges independently of each other along the upper transferring and loading path and the lower transferring and loading path, respectively, to a punch processing position, at which position punching occurs.

4. The following is an examiner's statement of reasons for allowance:

Art Unit: 3722

JP-2584278-Y2 (hereinafter '278) is representative of the closest prior art of record to the present invention as set forth in the independent claim. '278 was described in detail in the office action mailed November 26, 2004. Suffice it to say, the only transferring and loading means that '278 explicitly teaches that transfers both the upper and lower cartridges independently of each other is the exchanger 39 (shown in Figures 2-3) that exchanges upper and lower cartridges 30 individually via individual actuation cylinders 88P and 88D. Note that exchanger 39 transfers the upper and/or lower cartridges to a position shown in Figure 1 as position 35 within the upper and lower turret members 9 and 7 (see Figure 1). Note also that the punch processing position where punching occurs is the pressing location 11 (see Figure 1), which processing position is spaced from the position 35. '278 does not teach that the upper and lower turrets are independently actuatable in order to separately rotate the upper and lower turrets into the processing position.

Thus, '278 does not teach a cartridge transferring and loading means comprising an upper cartridge transferring and loading means and a lower cartridge transferring and loading means "for transferring the upper and lower cartridges independently of each other along the upper transferring and loading path and the lower transferring and loading path, respectively, to a punch processing position, at which position punching occurs", since '278 does not explicitly teach any structure that serves to independently move the upper and lower cartridges into the punching position 11.

Additionally, it is noted that '278 also teaches the use of the exchanger 38 shown in Figure 2, which exchanges die sets 29 containing both upper and lower cartridges via the actuation of a piston rod 89 that actuates upper and lower die contacting parts 79 at the same

Art Unit: 3722

time via connection member 85. Note that once a die set 29 that has upper (punch) and lower (die) portions that are operatively interconnected via the die set has been placed into the upper and lower tool turrets 9, 7, the upper and lower tool turrets would be unable to independently index via their interconnection via the connected die set 29.

Also, there is no combinable teaching in the prior art of record that would reasonably motivate one having ordinary skill in the art to so modify the teachings of '278, and thus, for at least this reasoning, '278 does not render obvious the present invention as set forth in independent claim 1.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erica E Cadugan whose telephone number is (571) 272-4474. The examiner can normally be reached on M-F, 7:30 a.m. to 5:00 p.m., alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris H. Banks can be reached on (571) 272-4419. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

Art Unit: 3722

system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Erica E Cadogan
Primary Examiner
Art Unit 3722

eec
April 4, 2005